

The report cites information received by the SR from representatives of opposition parties stating that: the April 1997 Agreements had not been implemented; there was a lack of political will on the part of the government to put them into effect; the political parties had not been granted the financial assistance agreed and were short of funds and unable to function normally; there were still restrictions on civil liberties, especially in the mainland region, with their members still being arbitrarily detained for short periods; it was still impossible to gain access to the media (radio and television); and, the work on revising the electoral roll, at least with the comptroller of the political parties, had not been begun in October 1997 as projected. The report notes that senior government officials rejected these accusations and provided the SR with the texts of a number of presidential decrees and orders implementing the Agreements affecting such issues as: the free movement of persons, goods and publicity material belonging to the political parties; the prohibition on entry and search of homes and offices for political reasons; abolition of extrajudicial arrest; establishment of the Fund for Democracy which will receive voluntary contributions and share out the income equally among all the legalized political parties; an undertaking for both the government and the political parties to prohibit any action or act of commission or omission intended to restrict the free exercise of fundamental rights and freedoms, and to ensure that the political parties can pursue their activities freely throughout the national territory; establishment of the National Media Commission with responsibility for guaranteeing the political parties access to the state media; establishment of the Special Government-Political Parties Joint Commission responsible for continuously monitoring the transparency of the electoral roll; and accreditation of the members of the Commission for Overseeing and Monitoring the Fulfilment of the National Pact Agreements who represent the government and the political parties.

The discrepancies between the views of the government and those of the opposition were considered by the SR, who concluded that: the government had not refused to fulfil the agreements; there clearly had been, however, a considerable delay in implementing them; and, while it was possible that the delays were rooted in the unwillingness of elements within the government to advance the process of democratization, they were mostly attributable to the sluggishness and disorganization of the public service.

On other matters related to the political process and the elections planned for 1998, the report refers to: disagreements between opposition parties and an associated weakening of the effectiveness of the opposition in demanding greater civil liberties and respect for human rights; the fact that civil society continues to display serious structural weaknesses and an inability to generate a network of institutions capable of maintaining its rights; and the fact that this latter reality is closely related to civil society's political, social and cultural situation and its subordination to the structure of state power. The report also refers to a draft law which, if adopted, would

prohibit political coalitions in the 1998 legislative elections and to the decision of the Criminal Division of the Court of Appeal of the city of Malabo to order the disbanding of the Partido del Progreso de Guinea Ecuatorial.

In the section dealing with strengthening the legal structure of the state, the report notes concerns arising from adoption of Law No. 6/1997 on the Press, Publishing and the Visual Media (May 1997). The Law, which contains a statement of "publishing principles" open to subjective interpretation, also establishes a system of control over the media and a code of penalties governing the activities of the free press for minor, serious and very serious infringements.

Concerning the administration of justice, the report notes a number of factors including, *inter alia*: the absence of any evident improvement in the independence of the judiciary; the fact that the Instituto de Práctica Judicial, established by Decree No. 95 of 8 August 1997, was not yet functioning; the imposition of a criminal penalty of imprisonment by the Office of the Head of State, which could constitute an encroachment on the powers of the judiciary; less encroachment, in practice, of military jurisdiction into criminal matters despite the fact that legislation had not yet been enacted to ensure this separation of jurisdictions; a number of ritual murders, in some cases involving the removal of the victim's organs, in Bata and Malabo; and the removal of police and military road blocks, thereby decreasing one of the main sources of continual incidents involving members of the opposition parties. The report notes deprivation of liberty for short periods for various leaders and members of political parties and the continuation of the practice of imposing heavy fines — arbitrarily fixed by administrative rather than judicial authorities — as a substitute for detention, with the requirement that such a fine must be paid before freedom can be regained. The SR noted that the number of complaints received related to repressive measures aimed at opponents and dissidents had fallen. Note was also made of continuing incidents of repression, partly as the result of the lack of experience of democracy in rural areas — arising from the general low level of education, the attachment to traditional forms of local power exercised in an absolutist manner and the difficulty experienced by the village chiefs in understanding the abandonment of the single party in favour of a multi-party system.

The report acknowledges the efforts made by the authorities to improve the conditions of prisoners and detainees. Areas of continuing concern were outlined as including that: the diet of prisoners and detainees is still clearly inadequate — two loaves a day with a small portion of sardines and rice once a week; medical care continues to be inadequate and there is a shortage of medicines for treating the prisoners; prisoners continue to perform unpaid compulsory labour outside the prison grounds; and, though fewer, reports were still received of detainees, who were being held for short periods, suffering torture and ill-treatment.